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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,179	02/04/2002	Edward B. Devine	8392-69554	4895
23643	7590	02/23/2004	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	
DATE MAILED: 02/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/067,179

Applicant(s)

EDWARD DEVINE

Examiner

Brigitte R. Hammond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/24/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Koolman 6,109,964. Koolman discloses an device comprising a hollow body forming an outer conductor 30, an inner conductor 20 extending through the outer conductor, one end of the inner and outer conductors define a signal input of the device, the other end of the inner and outer conductors defining a signal output of the device, an electrical insulator 23 disposed between and watertight sealed to the inner and outer conductors by seals 62 and 63 (see col 7, lines 8-13).

Regarding claim 4, Koolman discloses the a first sealing member 62 positioned between the insulator and the outer conductor and a second sealing member 63 positioned between the insulator and the inner conductor creating the watertight seal therebetween.

Regarding claim 5, the outer surface of the insulator of Koolman defines a first channel extending completely around an outer periphery of the insulator in a direction perpendicular to the longitudinal axis of the body wherein the first sealing member 62 is disposed therein.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koolman in view of Vaccaro et al. 5,154,636 or alternatively Lundback et al. 6,133,532. Koolman discloses the invention substantially as claimed except for the insulator having an inner surface that defines a second channel and the second sealing member being disposed therein. However, Vaccaro et al. teaches an insulator 24 having an inner surface that defines a second channel and a second sealing member being disposed therein (not numbered, see fig. 3). Therefore it would have been obvious to one of ordinary skill to modify the device of Koolman by providing the insulator with an inner surface that defines a channel for the sealing member as taught by Vaccaro et al.

Should issues arise, such change is further obvious in view of Lundback et al. which also shows an insulator having an inner surface that defines a second channel and the second sealing member being disposed therein.

Regarding claim 7, the first and second sealing members of Koolman are flexible sealing rings.

5. Claims 1-3 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA) as disclosed in fig 1. in view of Koolman'. AAPA discloses in combination a transmission line 18 having attached thereto a first connector 16

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configured for connection to a second connector associated with an antenna signal source 14.

AAPA does not disclose a fluid blocking device at one end of the connector comprising inner and outer conductors separated by an insulator. However, Koolman discloses a fluid blocking device comprising an outer conductor 30 and an inner conductor 20, said conductors are separated by an insulator 23 watertight sealed to the inner and outer conductors by seals 62 and 63 (see col 7, lines 8-13). Therefore it would have been obvious to one of ordinary skill to modify the device of AAPA by providing a fluid blocking device comprising inner and outer conductors and a watertight seal to provide a moisture barrier as taught by Koolman.

Regarding claims 2 and 24, AAPA discloses an antenna as the signal source 14.

Regarding claims 3 and 25, AAPA discloses another transmission line 22 as a signal source.

Regarding claim 26, Koolman discloses the a first sealing member 62 positioned between the insulator and the outer conductor and a second sealing member 63 positioned between the insulator and the inner conductor creating the watertight seal therebetween.

Regarding claim 27, the first and second sealing members of Koolman are flexible sealing rings.

### ***Response to Arguments***

6. Applicant's arguments filed November 24, 2003 have been fully considered but they are not persuasive. In response to applicant's argument that Koolman is not configured for any type of connector structure, a recitation of the intended use of the claimed invention **must result in a**

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**structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.** See *In re Casey*, 152 USPQ 235 (CCPA 1967). In this case Koolman is “capable” of being connected to other connectors, therefore the rejection stands. In response to applicant’s argument that Fig. 2 is not prior art, the examiner apologizes for the typographical error and regrets any inconvenience to applicant.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is (571) 272-2006.

The examiner can normally be reached on Monday - Thursday from 7:30 A.M. to 5:00 P.M.


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The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached on (571) 272-2001. Papers may be faxed directly to Group 2833 at (703) 305-3432.

Brigitte R. Hammond

February 10, 2004

  
P. AUSTIN BRADLEY  
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